

REMARKS

By this Amendment, claims 12-15 and 19-22 are amended, claims 1-11, 16-18 and 23-32 are canceled, without prejudice or disclaimer of the subject matter recited therein, and claims 33-44 are added. Accordingly, claims 12-15, 19-22 and 33-44 are pending in this application. No new matter is added. Support for the amendments to the claims may be found, for example, in paragraphs [0028] and [0039] of the specification as originally filed.

Applicant appreciates the courtesies shown to Applicant's representative, Kilton L. Kime, by Examiner Sorkin in the October 2, 2003 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

As discussed during the personal interview, claims 12, 13, 19 and 20 are amended to be in independent form and to further clarify that each layer or the layer that comprises the filter consists of a series of substantially parallel beams or columns. Further, dependent claims 14, 15, 21 and 22 are amended to clarify that the first and second series of substantially parallel beams are formed in first and second layers, respectively. As discussed at the personal interview, and discussed further below, none of the references of record disclose, teach or suggest these features recited in these claims. Specifically, Examiner Sorkin agreed at the interview that claims directed toward a filter consisting of parallel beams as opposed to grids of intersecting beams would appear to overcome the applied reference Guckel et al.

The Office Action refers to "the documents referred to in the specification, but not listed on the IDS filed 21 March 2003" as not being properly submitted in an Information Disclosure Statement. Applicant filed an Information Disclosure Statement on October 30, 2001 to submit the relevant references listed in the specification, as evidenced by the attached date-stamped receipt. The Examiner is respectfully requested to acknowledge consideration

of these references by initialing and returning the Form PTO-1449 listing these references. A copy of the Form PTO-1449 is attached for the Examiner's convenience.

The drawings are objected to because they do not include reference signs 250 and 450 mentioned in the description. The disclosure is also objected to because no pre-filter 250 is shown in Fig. 2 as mentioned in the description. Figs. 2 and 4 of the drawings are amended as shown in the attached replacement sheets to include the pre-filter 250 and the pre-filter 450 as described in the specification as originally filed. The Examiner is respectfully requested to accept the corrected replacement sheets as substitutes for the corresponding sheets of the formal drawings filed in this application.

The Office Action indicates that the Attorney Docket Numbers should be replaced by appropriate Application Numbers. The specification is amended accordingly.

Therefore, withdrawal of the objections to the drawings and specification is respectfully requested.

Claims 1-24 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,897,360 to Guckel et al. This rejection is moot with respect to canceled claims 1-11 and 16-18 and is respectfully traversed with respect to the remaining claims.

Independent claim 12 recites *inter alia* "a micromachined filter integrated in at least one of the micromachined layers, wherein each layer that comprises the micromachined filter consists of a series of substantially parallel beams." Independent claim 13 similarly recites *inter alia* "a micromachined filter integrated in at least one of the micromachined layers, wherein each layer that comprises the micromachined filter consists of a series of substantially parallel columns." Independent claim 19 recites *inter alia* "a filter comprising a micromachined layer of polysilicon, wherein the micromachined layer of polysilicon consists of a series of substantially parallel beams." Independent claim 20 similarly recites *inter alia* "a filter comprising a micromachined layer of polysilicon, wherein the micromachined layer

of polysilicon consists of a series of substantially parallel columns." It is respectfully submitted that none of the references of record disclose, teach or suggest these claimed features.

As discussed above, and discussed at the personal interview, Guckel et al. discloses a filter that is arguably formed by a grid of intersecting beams. However, Guckel et al. does not teach or suggest that the filter may be formed by a layer consisting of a series of substantially parallel (non-intersecting) beams. Thus, it is respectfully submitted that Guckel et al. fails to disclose, teach or suggest the features recited in independent claims 12, 13, 19 and 20.

Therefore, it is respectfully submitted that independent claims 12, 13, 19 and 20 are patentable over Guckel et al. Further, it is respectfully submitted that claims 14-15, 21-22 and 33-44 are patentable at least in view of the patentability of claims 12, 13, 19 and 20 from which they respectively depend, as well as for the additional features they recite.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) over Guckel et al. is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 12-15, 19-22 and 33-44 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:KLK/kzb

Attachments:

Replacement Drawing Sheets (2)
Form PTO-1449
PTO Date-Stamped Receipt

Date: October 17, 2003

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